

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the September 20, 2006
Board of Review Meeting

Date: September 25, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, September 20, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, September 27, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Yarbrough, Executive Secretary
Absent: Mr. Serico, Member

2. Following a motion by Mr. Sieber and seconded by Ms. Calderone, the minutes of the September 13, 2006 meeting were approved.

3. New Business

(a) 116, 646

This matter was tabled in order to docket a companion case and for further research.

(b) 114,155

Ms. Abrunzo presented this case that involved a claimant who was employed by a temporary help agency and last worked on March 10, 2006. The Appeal Tribunal had held the claimant not disqualified for benefits under

N.J.S.A. 43:21-5(a), but disqualified for benefits under N.J.S.A. 43:21-5(c) and liable for refund. The Board noted that the record was lacking regarding the claimant's work history. As a result, the Board voted to remand the case for additional testimony. Ms. Abrunzo will prepare the remand.

(c) 117,542

Ms. Gagliardo described this case that involved a claimant who was initially hired to work as an office administrator. The claimant left work after her job duties were changed and she was required to perform work at the employer's home in order to remain employed. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the change in the working conditions was significant, and the Appeal Tribunal did not present a reason for rejecting the claimant's contentions when only the claimant presented testimony. As a result, the Board voted to remand the case for testimony from the employer and claimant witnesses. Ms. Gagliardo will prepare the remand.

(d) 26, 961

As described by Ms. Barnwell, this case involved a claimant who gave notice that he was leaving work because the employer was not paying employee taxes with funds withheld from his wages. The claimant was discharged prior to the effective date of his resignation for being absent on several occasions and not providing the employer prior notice of the absences. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(b). The Board noted that the claimant had good cause attributable to the work for leaving. After discussion, the Board voted to hold the claimant only disqualified for benefits under N.J.S.A. 43:21-5(b). Ms. Barnwell will prepare the decision.

There being no further business to transact, a motion was made by Ms. Calderone to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary

GY:gs